P11

C.F. 71

19 35

Department of Rev.

OFFICE Board of Rev. D.R. Sett.

STATION Madras.

Misc. No. 2454	dated 16/35-
Dated 16-9-1935	

Pr. F D

Pages in the file

(SUBJECT.)

Forests. South Kanara: unreserved lands and lands handed over to Forest Department for management Forest offences. Detection engraving and Prevention. Powers of F. collision — Grants. Rejection

MADRAS
21 FEB 1935
LAND REVENUE AND SETTLEMENT

Lr.No. C. 661-31--35.

South Kanara Collector's Office,
Mangalore, dated 18th February 1935.

From

E. M. Gawne, Esq, I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue & Settlement,
Madras.

S i r,

Forests--Forest offences--unreserved lands--detection, enquiry and prevention--powers and duties of Revenue officers--precise definition--desirability--suggested

---

I request that the Board may be pleased to consider the desirability of defining clearly the powers and duties of the subordinate officers of the Revenue Department, in relation to offences committed under the Madras Forest Act (Act V of 1882) on unreserved lands and lands handed over to Forest Panchayats for management.

2. The powers and duties of Collectors, Revenue Divisional Officers, Tahsildars and Dy. Tahsildars in relation to these matters have been defined in Notification I and II reproduced at page 30 of the Forest Manual (1931 edition): but no steps have yet been taken to recognise or declare Revenue Inspectors or Village Officers as "Forest Officers" under section 2 of the Act. Even in the case of Revenue Divisional Officers, Tahsildars and Dy. Tahsildars it may be noticed that the terms of Notification I as they stand seem to read as if these Officers have been appointed as Forest Officers under the Act only for one specific purpose, viz., to compound forest offences, each within his specified limits of power, in cases arising outside Forest reserves.

trict, it has long been felt to be so. Chapter III of the Madras Forest Act relates to the protection of land at the disposal of Government not included in Reserved Forests and Chapter V with the control of timber in transit. Rules have been framed and have long been in force in this district under sections 26--35 and 36 of the Act and prescribing imprisonment and fine as penalties for such offences. The unreserved lands of South Kanara ~~are~~ abound in trees which from their proximity to warg lands tempt the ryot and offences, no doubt often of a petty nature, occur frequently ~~and everywhere~~ particularly in interior villages--which require quick enquiry and immediate action, if they are to be punished. There is no regular staff, as in the Reserved Forests, to deal with these cases and to render the situation more difficult, neither Village Officers nor Revenue Inspectors have been invested as yet with powers under the Act--even with powers similar to those which a Forest guard has within the Reserved Forests

4. The difficulty and inconvenience that is caused as a result of this anomalous position, are obvious. The jurisdiction of Tahsildars and Dy. Tahsildars is too extensive for them to be able to reach in good time every place where a petty forest offence is committed. Usually the cases are not so grave as to require the investigation of a Tahsildar or a Sub Inspector of Police. It also happens frequently that the only persons available on the occurrence of a Fores offence to seize property are the Village Officers; the recognition of Village Officers as Forest Officers in so far as unreserved lands of their own villages are concerned would impose on them the duties prescribed by section 52 and give them the powers conferred by sections 41 and 51 of the Forest Act and this seems to be necessary and advisable in view of the extensive area outside the Reserved exposed to the commissions of offences of varying gravity.

5. It is equally necessary that such powers should be conferred on all Revenue Inspectors and that apart from any recording of formal evidence or issuing of warrants, they should have under the first portion of section 59 (c) of the Act general powers o

quiry into Forest offences. Notification No. I may it seems to me, be at the same time made clear and Dy. Tahsildars and Tahsildars declared to be Forest Officers under section 2 for all general purposes with relation to unreserved lands and the special powers contemplated in section 59 (b) and (c) may also be conferred on them in general--while their powers with reference to the acceptance of compounding fees may be left at the present limits.

Your obedient servant,

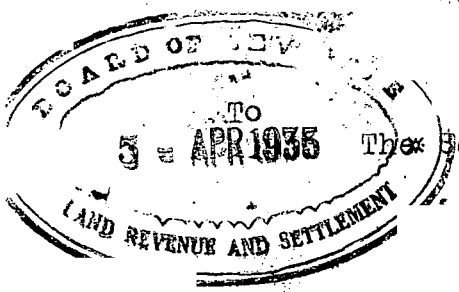
Collector.

R.O.C.661-35-B

South Kanara Collector's Office,
Mangalore, 1st April, 1935.

From

E. M. Gawne Esquire, I.C.S
Collector of South Kanara.



To

The Secretary to the Board,
Land Revenue and Settlement,
Madras

Sir,

Forests - Offences - unreserved lands - detection, enquiry and prevention - powers and duties of revenue officers - precise definition - desirability.

******

file in cures

I request that early orders may be passed on my reference 661-B1-35, dated 18.2.1935.

Your obedient servant,

For Collector.

Dockets as above

d 676/35 — Q.

Refer. No. d 416/35.1 Q 8. 4. 1935

file number of Govt. order on 24.35

The matter is under consideration of this Board

DISPATCHED
11 APR 1935

G.T.B.

Consideration

6.4.1935

d 6435

2/Spare

2.4.35

DRAFT FOR APPROVAL.

Initials.

When received for fair copying ..

When copied ..

When examined..

When signed ..

When despatched.

SUBJECT

unreserved lands.

Forest offences. Detection enquiry & prevention. Power Grant to Rev. Officers. Proposal. Submit.

READ AGAIN ..... , dated .....

" " F.21(K) G.O. 161 Rev. " 22. 2. 1906.

READ *ALSO*:—

No. ..... From the ....., No. ....., dated ..... 19.....

" F.1.3 of L.416/35—A " ..... " ..... 19.....

" Refs. L.416/35.2 " ..... " ..... 19.....

~~Order~~ ~~Ms.~~ ~~Resolution~~ ~~Rout.~~ No. ....., dated 24. 1935.

E.F.T

Submit to Govt.

2. Very great confidence has been exercised in the appointment of forest officers and the powers and responsibilities conferred upon them. It is desirable to give the Village Officers the power suggested by the Collector as it is likely to place in their hands wide opportunities for oppression.

3. Of the powers conferred on a forest officer appointed as such under Sec. 2 of the Forest Act the most important is the seizure of property under Sec. 41. In the case of departmental forests this power is exercised by the forest guards whose pay is only Rs. 15-2 (new scale) and the Board does not consider it desirable to give this power to the Village Officers. Para 4, P 2 of Forest Manual. I should like to see it. P 2 of the Forest Manual. P 16 of the Forest Manual. Pl see Sec 2 cl 2 & Sec 41 as also by the Forest Rules.

Why this and the Abs powers of a Dy.
Officer should not be conferred on Range
Officers of this grade of Rev. Dept by upwards.

4. The powers under Sec. 59(b) and (c) [illegible]
of the Forest Act are not exercised in the Forest
Dept. by officers below the grade of Extra
Assistant Conservators (Old Scale Rs. 250-900) Please see note dated
on PP 29, 30 & 31
for the Board does not reason for not entrusting
them to Rahas and Dy Rahas who have exercised
or are exercising 2nd class powers. Surely
an officer who can send a man to jail for
six months can be trusted with the lesser power
of investigation. The only difficulty is that
most officers would in many cases have
to try the cases they investigated and this
could be obviated by departmental orders
that all cases investigated by the Rahas
& Dy Rahas be tried by the Sub Divl. Magtes.
The above powers if conferred may be
restricted to the forest offences arising
in the unreserved and the lands handed over
to forest panchayats in the Sandur Karwar
district.

Sd
11.4.1935

15.4.

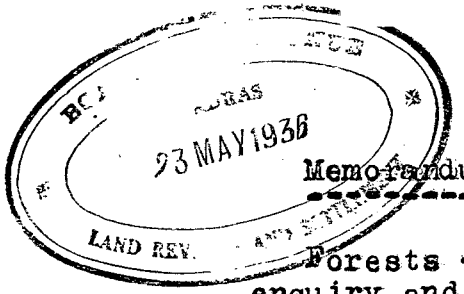
V/o the Secy to Govt. Rev. Dept.

DESPATCHED
20 APR 1935
By

SECY.
13 APR 1935

(L 1098)

Revenue Department.



Memorandum No.1885 F/35-1, dated 20th May 1936.

Forests - Unreserved lands - Forest offences - Detection, enquiry and prevention - Powers - Grant to Revenue Officers. Board's Ref.L.No.416-35-2, dated 24-4-1935.

The Government observe that with reference to section 2 of the Madras Forest Act, and that Revenue Inspectors, Tahsildars and Deputy Tahsildars will come under the category of "persons appointed to discharge any function of a Forest Officer under this Act", and that the functions should be specified. The Board of Revenue is requested to specify the functions that these officers should be appointed to discharge in the South Kanara district.

E.W.Bouchier
Under Secretary.

To the Board of Revenue, Land Revenue and Settlement.

F o r w a r d e d
(By Order)
Superintendent.

N.M.

A.S.(2R)

Secn.

Date Initials.

DRAFT FOR APPROVAL.

When received for fair copying ..

When copied ..

When examined.. 28/5/35

When signed ..

When despatched. 28 MAY 1935

DESPATCHED

SUBJECT:— Forests. Unreserved land. Forest offences. Detection, enquiring and prevention of. Powers of Revenue Officers.

READ AGAIN— , dated 19.

,, ,, — ,, 19.

READ *ALSO*:—

No. From the Pltf. d.416/35 — Q , No. , dated 19.

,, ,, ,, d.1098/35 — A. ,, 19.

,, Refd. ,, ,, 19.

Order ~~Ms.~~ Ref. d.416/35.B
Resolution ~~Rout.~~ No. , dated 27. 5. 1935

A+A.P

Referred to the Collr of S. Kanara for early remarks.

Refd. to the Collr of S. Kanara for 25.5.35

with a copy of Ds Refd. No.d.416/35.2 dt 24.4.35

25.5.35

27.5.35

Rec'd. with copies sent.

Issued

27/5

(L 1131)

BOARD OF REVENUE
4 - JUN 1935
LAND REVENUE AND SETTLEMENT

R.O.C.1661-35-B1.

South Kanara Collector's Office,

Mangalore, 31st May 1935.

From

M.R.Ry.Rao Bahadur A.A. Venkatarama Ayyar Avl., B.A.

Ag. Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue & Settlement,

Madras.

Sir,

Forests - Forest offences - Unreserved lands - Detection - Enquiry and prevention - Powers and duties of Revenue officers - Definition.

Board's reference L.416/35-3, dated 27.5.1935.

******

I propose that the officers should be empowered to discharge the functions under the Forest Act referred to in the following sections, in unreserved lands and panchayat forests under the Revenue Department:-

1. Revenue Inspectors:-	Sections 41, 51, 53 and power to hold enquiries under Section 59(c) without the power to issue search warrant referred to in that sub-section.
2. Deputy Tahsildars and Tahsildars:-	Sections 41, 51, 53, 59(b) and 59(c) and Sections 55 and 59 (d) within the limits already existing of Rs.50.

Your obedient servant,

For Collector.

O.F.16

DRAFT FOR APPROVAL.

Date. Initials.

When received for fair copying ..

When copied .

When examined. 26/6 DMS ALSM

When signed ..

When despatched

SUBJECT:— Forests - Increasing powers of Forest Officers. Detection, enquiry and prevention. Powers. Grant to Rev. Officers. Further rpt submitted.

READ AGAIN _____, dated _____ 19

" " _____ 19

READ *ALSO*:—

No. P9 of From the d 10 9835 — 6, No. _____, dated _____ 19

" M3 of " d 31/35 — 8 " _____ " _____ 19

" Refce d 416/35 4 19

~~Order~~ ~~Ms.~~ ~~Resolution~~ ~~Rout.~~ No. _____, dated 25. 6. 1935.

A+A.P

Submd to Govt

2. In its Refce dtd d 416/35-2 dtd 24.4.35 the Board recommended that Rev. Officers of the grade of Rev. Insprs upwards might be invested with the power under Sec. 41 to deal property and that Patrs & Jr Patrs might be invested with the powers under Sections 59 (b) and (c) to investigate forest offences. The Coll of S. Kanara now suggests that certain additional powers may be conferred on these Officers His suggestions for the grant to these Offrs of the powers under the various Sections are examined below:—

DESPATCHED 20 JUN 1935

P19 do.

P13 of

P18 Forest Manual

Sec 51. Of the Rev. Officers from

(P.10)

the power to seize property under Sec. 41 they must also have the power to arrest the accused if he happens to be an unknown person. The Board therefore endorses the Coll's proposal.

Sec. 58. The Bd sees no objection to invest the Tahrs, Dy Tahrs & Rev. Insprs with the powers under the Section.

Sections 55, 59 (b), (c) & (d). The Bd has already proposed the grant to the Tahrs & Dy Tahs - the powers under Sec. 59 (b) & (c). The Coll suggests that these Officers may also be invested with the powers under Secns 55 & 59 to compound and to accept Compensation within the existing limit of Rs. 50. This is unnecy. as they have already been empowered under Secns 55 & 59(d) vide G.O. No. Ms. 305 Rev. dt 9.2.28.

The Coll suggests that the Rev. Inspr may be empowered under Sec. 59 (c) to hold enquiries without the power to issue Search warrants. As conditions are peculiar in the S. Kanara District the Bd recommends that the Coll's suggestion may be accepted.

The grant to the Rev. Inspr of the power under Sec. 59 (c) without the necy. power under Sec. 59 (b) may

/o ml

ante — p 8 ns.

p 9 ns

p 13 cf

M 7 cf (D)

ante — p 9 ns

handicap him to some extent.

~~of great his enquiry~~ The Board however considers it necessary to give him the powers under Sec. 59 (b) as it would be for him to have all the powers of a Commissioner with the ~~by~~ Salters & Salters. It accordingly suggests that he may be asked to conduct the enquiry as best as he can without the powers under Sec. 59 (b).

Plough.

Sor
24.6.935
24/6/35

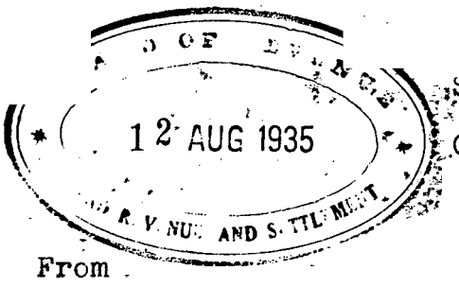
h
25.6.35

To the Secy to Govt Rev. Deptt.
with the Collr's letter.

Put up
to the Board
for orders

D
Supdt
25/6/35

R. C. C. 661--35--B--1.



South Kanara Collector's Office,
Camp: Mudabidri, dated 9th August 1935.

From

E. M. Gawne, Esq, I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Land Revenue & Settlement,
M a d r a s.

S i r,

- Forest Offences.

Forests--Offences--unreserved lands--Detection--Enquiry and Prevention--Powers and duties of Revenue Officers--definition.

1.3 cf 11 cf

Ref:- My letters R.O.C. 661-35-B1 dated 18th February 1935 and 31st May 1935 and Board's Ref. No: L. 416/35--3 dated 27th May 1935.

I solicit early orders.

Your obedient servant,

E Gawne

Collector.

15.8 (LR)

Docket as above as entered in her ref

2669/35 — Q.

A.H.A.F

Refer ms. L 416/35-3 15.8.35

The matter has been referred to the GoI and their orders are awaited.

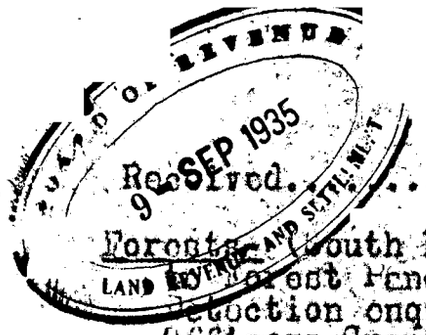
Sent 18.8.1935 with 1566

DESPATCHED 16 AUG 1935

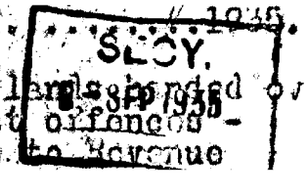
L 1578

To the Collr of S. Kanara.

1578



Received 9 SEP 1935 ...1935. Registered...1935.



Abstract.- Forests-South Kanara-unreserved lands and lands handed over to Forest Panchayats for management-Forest offences - detection enquiry and prevention - Powers to Revenue Officers-Granted.

Revenue Department.

G.O. No.MD 2110 Dated 6th September 1935.

Read the following:-

G.O. No.305 Revenue dated 9th February 1925.

From the Board of Revenue, Land Rev. and Settlement B.Dofce.No.L.416-35-2 dated 24th April 1935.

From do. do. L.416/35-4 dated 25th June 1935.

ORDER:-

At the instance of the Collector of South Kanara, the Board of Revenue has submitted proposals to empower Revenue Inspectors, Deputy Tahsildars and Tahsildars in the South Kanara District to exercise certain powers under the Madras Forest Act, 1882 in connection with forest offences in unreserved lands and in panchayat forests under the control of the Revenue Department. The Government pass the following orders:-

(1) Section 41-- Seizure of property liable to confiscation. Section 51-Power to arrest without warrant and section 53 - Power to prevent commission of offence.

The Government accept the recommendation of the Board of Revenue that Revenue Inspectors, Deputy Tahsildars and Tahsildars in the South Kanara District should be invested with the powers under these sections.

(2) Sections 55 and 59(d). Powers to compound offences and to accept composition.

The Collector of South Kanara suggests that Deputy Tahsildars and Tahsildars in that District should be invested with powers under these sections within the existing limit of Rs.50. These powers have already been granted in the notification contained in G.O. No.305 Revenue dated 9-2-1925 which is of general application to all districts.

(3) Sections 59(b) and (c). Powers to compel the attendance of witnesses and the production of documents and power to hold enquiries into forest offences etc.

The Government accept the recommendation of the Board of Revenue that the Deputy Tahsildars and Tahsildars in the South Kanara district should be granted powers under these sections, and that Revenue Inspectors in that District should be granted the power to hold enquiries and receive and record evidence under section 59(c), without the power to issue search warrants referred to in that sub section. They agree with the Board that Revenue Inspectors should not be given the powers of a civil court under section 59(b) and that they should be left to conduct the enquiry as best as they can without the powers under section 59(b). The Government also accept the Board's recommendation that all cases investigated by Deputy Tahsildars and Tahsildars should be tried by Sub Divisional Magistrates.

2. The Government agree with the Board of Revenue that it is not desirable to invest village officers with any of the powers of a forest officer.

3. The following notification will be published in the Fort St.George Gazette:-

Notification.

In exercise of the powers conferred by section 2 of the Land Forest Act, 1882 (Madras Act V of 1882), and in continuation of Revenue Department Notification No.40, dated the 9th February 1928, published at page 245 of Part I of the Fort St.George Gazette, dated the 14th February 1928, the Governor in Council is hereby pleased to appoint the officers in the South Kanara district mentioned in column (1) of the Schedule below, to discharge the functions of Forest-officers under the provisions of the said Act specified in the corresponding entries in column (2) thereof, in all cases arising within their respecti jurisdictions in connexion with --

(a) unreserved lands, and

(b) lands handed over to Forest panchayats for management.

Schedule.

Designation of officers.	Provisions of the Act. (2)
1. Tahsildars and Deputy Tahsildars.	Sections 41,51,53 and 59(b) and (c).
2. Revenue Inspectors.	(a) Sections 41,51 and 53 (b) Section 59(c), in so far as it relates to power to hold inquiries into forest-offences, and in the course of such inquiries to receive and record evidence.

(By order of the Governor in Council)
H.R.Uzielli
Secretary to Government.

To the Board of Revenue,
Land Revenue and Settlement.
To the Superintendent, Government Press
To the Development Department.
To the Law (Drafting) Department.
To the Collector of South Kanara.

Forwarded,

By order)

Superintendent.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:— Forests. (S. Kanara) Encroachments on lands and lands handed over to forest panchayats for management. Forest Officers. Detection, enquiry and Prevention — Powers to Revenue Officers. Granted. — G.O. records.

READ AGAIN ..... , dated ..... 19....

,, ,, ...

READ *ALSO*:—

No. ..... From the ..... , No. ..... , dated ..... 19....

,, Ms. 21. 25 ,, 0 dt 19-7-35 ,, R ,, ... 19....

,, ... ,, ... ,, ... ,, ... 19....

~~Order~~ / Resolution ~~Mst~~ / Ms. No. 3454, dated 11. 9. 1935

Recorded.

10.9.35

10.9.35

113

S

AS

Unto Sec'y

NP
22-3-35

Papers put up

(1) B.P. No. 927 of 20.3.34 — (F)
(2) B.P. No. 160 of 16.5.28 — (A)
(3) B.P. Press 13 of 23.2.28 — (D)
(4) B.P. Press. 87 of 11.11.27
(5) B.P. No. 1602 of 1.5.27
(6) B.P. Press. 88 of 28.11.23
(7) B.P. Press 67 of 11.11.26. — (E)
(8) B.P. Press. 14 of 5.3.1923 (J)
(9) B.P. Press 76 of 4.4.18.
(10) B.P. 69 Press of 14.3.1906.

NOTE FILE.

FORESTS - Unreserved lands.

Forest offences - Detection, enquiry and Prevention - Powers of Revenue Inspectors and Village officers.

pp1-3 cf L.416 from the Collr. of S.Kanara.

To Asst. Secy.

The proposals made by the Collector of South Kanara in his letter at pp.1-3 c.f. are

para 4, P2 cf

(1) that the Village officers may be recognised as 'forest Officers' in far as unreserved lands of their villages are concerned;

para 5, P2 cf

(2) that in addition to the above powers the Revenue Inspectors may be empowered to have general powers of enquiry into forest offences

para 5, P3 cf

& (3) that Notification No.I on page 30 of the Forest Manual may be made clear by declaring Tahsildars and Deputy Tahsildars as 'forest officers' for all general purposes including enquiry instead of only for compositio of fines.

Points 1 and 2. Very great caution is being exercised in the appointment of 'Forest Officers'. Mr. Wadsworth's notes on page 2 n.f. of B.P. 14 Press dated 5-3-1923 and the previous Commissioner's remarks or

on page 3 n.f. of B.P. Mis.927 dated 20-3-1934 (F) may be perused. It does not seem worthwhile considering the question of appointing the village officers and the Revenue Inspectors as 'forest officers'. For orders,

The duties and responsibilities of the Village Officers and Revenue Insprs. in regard to protection of unreserved lands at the disposal of Govt. are given in paras 1 to 3 (sub-paras 1 to 3) of the South Arcot District Circular printed on page 18 of B.P. 69 Forest dated 14-3-1906. (R) These rules have been ordered to be followed in the other dists. also in so far as the special conditions of each dist. permitted - vide para 3 of B.P. Mis.46 Forest dated 16-1-1906 and G.O. 161 Revenue dated 22-2-1906. The difficulties expressed in paras 3 and 4 of the Collector's letter would therefore seem to be imaginary. The attention of the Collr. may perhaps be drawn to B.P. 69 Forest dated 14-3-1906 in which the above circular and G.O. were communicated to him.

→ 4 (R)

P 21 (R)

h 2 cf

(R)

Point 3. The Collector seems to be under the impression that the Tahrs. and Dy. Tahrs. have powers only to compound offences and that they have no powers of enquiry under Sec.59 of the Forest Act. It would seem that as these officers have been appointed 'forest officers' under Secns. 2, 55, and 59, they can exercise

P 19 of the Forest Manual only under clause (d) of S 54-4 accept Compensation

PP 2, 18 & 19 of the Forest Manual

h 29385

all

all the powers under those sections. It seems unnecessary to amplify Notification No.I on page 30 of the Forest Manual as suggested by the Collector.

For orders,

bon 23 4/35 K/4/2135- The remarks of the C. C of Forests may perhaps be invited on the Collectors proposals

h29135

Rvst- What is the grade and pay of Officers of the Rvst Dept- who possess the powers referred to — the sections quoted by Coll

Chn 1.4.

5 | 4/3/35

To Asst. Secy

Resubmitted with reference Secy's query above :—

2. The following officers of the forest Dept. possess the powers in the sections quoted by the Coll. :—

Designation of officers	Scale of pay Col
Conservators of forests	1750 - 2150
Assistant conservators	325 - 1850
Extra Asst. conservators.	250 - 900

(P.T.O)

New Scale not fixed

Ref. to Prohibitions at pp 29-30 and 31 of the Forest Manual.

3. The following officers of the Forest Dept. are also declared 'Forest Officers' under Section 2 but they are not given the powers under Sections 55 and 59 of the Forest Act:-

~~Grade~~ Designation.	Pay. (new scale)
Rangers	Rs. 75-200 (in five grades)
Foresters	Rs. 28-45 (in five grades)
Forest Guards	Rs. 15-23 (in four grades)

Pay of the Forest Officers

Pay of the Forest Officers

4. The General Rules under Sec. 26 of the Forest Act are printed on pp 32 to 36 of the Forest Manual.

~~26435~~

on
24.6.35
~~26/6~~
~~26435~~

S

(F) is no precedent except in so far as the proposal to grant powers to VOs is concerned.

As regards powers ~~under~~ which would be conferred upon them by rules than

as Forest Officers under
Sect. 2. of the Forest Act
the most important power is
the seizure of property under
§ 41.
This power is exercised by
Forest Guards on Rs 15-23
and I see no reason why it
~~should not be on~~ like that the
other powers of a Forest Officer
should not be conferred on
Revenue Officers of the grade
of R.I. upwards.

In regard to powers under
§ 59 (b) and (c) these are
not exercised — the Forest
Dept. by officers below the
grade of E.A.C. (Rs 250-900)
but I really see no reason
for not entrusting them to
Talukdars who are ex-officio
II class magistrates and
Mts who are generally
second class magistrates. Surely
an officer who can send a
man to jail for 6 months can be

In regard to powers under § 29-30 & 31 of the Forest Act

I agree

I agree

but with the lesser loss of investigation.

The only difficulty is that these officers would in many cases have to try the cases they have investigated!

This could be avoided by definite order that all cases investigated by T & D Dy Ts should be tried by S.O.T.s. There are already definite orders that a portion of all Road Cases shd be tried by S.O.T.s.

8/4

There would also have to be orders that the powers of Sergeants were not to be used in regard of offences dealt with by Police in charge of the Road Depts.

8/4/35

The working of such powers may be referred to S. Kensington.

8/4/35

8.4.

M1
AS
Hon'ble Secn.
12.5.35

To Asst. Secy—

Draft Secb

2. The file may be ordered

(M1)

11.4.35 11/5435

11.5.35

Chw

15.4.

M1

16.4.35

M3
S
AS(LR)
Hon'ble Secn
11.5.35

Mh 7.8 cf
Issued as 100s Refer No. L 416/35.2 of 24.4.35
Mcf L 1098/35 from the Com. Rd.
Mcf Bds Refer No L 416/35.3 of 27.5.35
to Coll Skanara.
13cf L 1131/35 from the Coll S. Kanara.

To Asst. Secy—

Pl. see the Bds Refer on
Mh 7.8 cf., the Com. recmds at P 9 cf
& the Colrs report at P 13 cf.

The Colrs proposals at
P 13 cl are in accordance with the Bds
recommendations on pp 7.8 cf. The Bd
may accordingly

Draft orders,

The Board recommends
that Rev officers of

5.6.35
8.6.35

the grade of Rev Inspr and upwards be invested with the power under § 41 to seize property and that Tahsr and Dy Tahsr be invested with powers under § 59 (b) and (c) to investigate forest offences. H 7-8 07.

The Collector of S. Kanara now suggests that certain additional powers may be conferred on these officers. ~~Both Revenue and Forest officers may be empowered to arrest~~. The power under § 57 (to arrest if the accused fails to give his ~~name~~ address) is necessary if the Rev officers have power to seize property they must also have the power to arrest the accused if he is an unknown person. The proposal may be accepted. P 13 07

There seems no objection to invest Tahsr. Dy Tahsrs and Rev Insprs under § 53 (to prevent Commission of Forest offence). For orders

The Collr suggests that New Insprs may be empowered under S 59(c) to hold enqs ..... without the power to issue search warrants As conditions are peculiar in S. Kanara the proposal may perhaps be accepted.

4-35
para 4 of the Collrs letter at P 2-3 Cf.

As regards Taks and Dy Taks the Board has already proposed that they should be empowered under S 59(b) & (c). The Coll also suggests that they may be empowered under S 55 and 59(a) to compound and to accept Compensation within the existing limit of Rs 50/- This is unnecessary as the Inspirs have already been empowered under S 55 and 59(d) - please see the notification at p 30 of the Forest Manual.

P 13 Cf.

Whether RIs have any difficulty in holding inquiries under 59(c) if they have no power to compel attendance under 59(b).

Correction slip dt 14.11.33.

P 4 16/35

P 11.6.35

Copy. 17 JUN 1935

P 13

To Asst. Secy

Mr's query on P.9 above

Rev. Officers will no doubt be handicapped to some extent in holding enquiries under Sec. 5 9(c) if they are not empowered under Sec. 5 9(b) viz., to compel the attendance of witnesses and the production of documents. However they consider it necessary to give the R.F.s the powers under Sec. 59(b) apparently because he apprehends that it would place in their hands all the powers of a court in favor with Dy. Collrs. & Collrs. It may be noted that such powers are exercised only in the For. Dept by officers of the grade of Extra Asst. Conservators below. The suggestion is that the R.F. who conducts the enquiries in the village with the help of such persons and documents as are available without resort to Sec. 59 leaving the rest to be done by the Dy. Collr.

P.19 of the Forest Rules

Mr. Whitehead's note P.31 of the Forest Manual

P.19 of the Forest Manual

Dy. Collr. [illegible] 17.6.[illegible]

M8635 [illegible]

S

M3

allowed to exercise such of the powers under 59(b) as he can entrust [illegible]

20/6

SECY. JUN 1935

R.S. (LR)

To Asst. Secy

Draft Reply to Govt.

Letters for approval

Sd/-
24.6.1935

Sd/-
25.6.35

R.S. (LR)

Issued as Bds Reply No. L.416/35-4 dt. 25.6.35

Sd/- 21.25
Leg. Rs. 2110 Rev. dt. 6.9.35

Sd/-
10.9.35

To Asst. Secy

Sec. Leg. dt. 21.25

Reply this has been sent to Govt. of S. Kanara direct. Draft recommended this Leg. Letters below.

Sd/-
10.9.1935

Sd/-
10.9.35